

STATE OF SOUTH CAROLINA)	BEFORE THE STATE ETHICS COMMISSION
)	
COUNTY OF RICHLAND)	
)	
In the Matter of:)	
COMPLAINT C2012-119)	
)	
W.D. Rhoad, III,)	
Respondent,)	
)	
Sarah Guess Noel,)	
Complainant.)	
_____)	

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DECISION AND ORDER

This matter comes before the State Ethics Commission by virtue of a complaint filed by Sarah Guess Noel on April 11, 2012. On May 16, 2012, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2010), the State Ethics Commission reviewed the above-captioned complaint alleging a violation of Section 8-13-1356 by the Respondent, W.D. Rhoad, III.

Present at the meeting were Commission Members Phillip Florence, Jr., Chairman; E. Kay Biermann-Brohl, Vice-Chair; Edward E. Duryea; JB Holeman; Priscilla L. Tanner; Jonathan H. Burnett; Richard H. Fitzgerald and George Carlton Manley. Also present were the Commission's Executive Director, Herbert R. Hayden, Jr., and his immediate staff.

The following allegation was considered:

The Respondent was a candidate for Bamberg County Probate Judge in a primary election on June 12, 2012. The Complainant alleged that the Respondent filed a Notice of Candidacy and Pledge with the Bamberg County Democratic Party on March 16, 2012; however, failed to file a Statement of Economic Interests in accordance with Section 8-13-1356 of the South Carolina Code of Laws, (Supp 2010).

STATEMENT OF FACTS

Having carefully reviewed the evidence presented, the Commission finds as fact:

1. On March 16, 2012 the Respondent filed a 2012 Democratic Party of South Carolina Notice of Candidacy and Pledge with the Bamberg County Democratic Party.
2. On March 27, 2012 a written notice from the Bamberg County Democratic Party was hand delivered to the Respondent to advise him that a Statement of Economic Interest must be filed "BEFORE 12 NOON ON FRIDAY MARCH 30, 2012".
3. According to records of the State Ethics Commission, the Respondent filed an online version of the Statement of Economic Interest at 12:25 PM on March 30, 2012.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Commission concludes, as a matter of law:

1. Section 8-13-1356 (B) requires candidates to file a Statement of Economic Interest "at the same time and with the same official with whom the candidate files a declaration of candidacy or petition for nomination."
2. Section 8-13-1356 (E) provides that the party/election official must not accept a declaration of candidacy unless it is accompanied by a Statement of Economic Interests.
3. In *Anderson v. S.C. Election Comm'n*, Op. No. 27120 (S.C. Sup. Ct. filed May 2, 2012) the South Carolina Supreme Court ruled that Section 8-13-1356(B) "is satisfied if an individual, when filing a Statement of Intention of Candidacy (SIC), provides the political party with a paper copy of a Statement of Economic Interest (SEI), whether previously electronically filed or not...".
4. The Court further ruled that the political party is responsible for ensuring that a

candidate has complied with the requirements of Section 8-13-1356(B).

5. In accordance with the Court's ruling, the State Ethics Commission has no authority to determine whether a candidate has complied with the filing requirements of Section 8-13-1356(B).

DECISION

Based upon the evidence presented, the State Ethics Commission has determined that it lacks the jurisdiction to rule on whether or not the Respondent, W.D. Rhoad, III, violated Section 8-13-1356(B). The Commission has therefore dismissed the complaint in accordance with Section 8-13-320(10)(i) and the rules and regulations promulgated thereunder.

IT IS SO ORDERED THIS 22nd DAY OF JUNE, 2012.

STATE ETHICS COMMISSION


PHILLIP FLORENCE, JR.
CHAIRMAN

COLUMBIA, SOUTH CAROLINA